

Appl. Serial No. : 09/943,286

Amendment dated November 30, 2004

Reply to Office Action of July 28, 2004

AMENDMENTS TO THE CLAIMS:

The following listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

56-104. **(Canceled)**

105. **(Currently Amended)** A method of determining whether an analyte polynucleotide is present in a test sample in an amount greater or less than a pre-determined value, comprising the steps of:

obtaining a test sample to be analyzed for the presence of said analyte polynucleotide, said analyte polynucleotide being selected from the group consisting of a viral polynucleotide, a bacterial polynucleotide, a fungal polynucleotide, a protozoan polynucleotide, and a human polynucleotide;

combining said test sample with an amount of a pseudo target; co-amplifying in a polynucleotide amplification reaction the pseudo target and any analyte polynucleotide contained in said test sample to produce amplification products that include a pseudo target amplicon and an analyte amplicon,

wherein said analyte amplicon is produced in an amount that is dose-dependent on the amount of said analyte polynucleotide present in said test sample, and

wherein said pseudo target and said analyte polynucleotide are co-amplified using the same set of two oligonucleotide primers; and

quantitatively detecting said analyte amplicon using a detection system calibrated to indicate a positive result upon detecting an amount of analyte amplicon arising from co-amplification of said amount of said pseudo target and an amount of analyte polynucleotide equal to or greater than said pre-determined value,

wherein the amount of said pseudo target in the combining step is greater than said pre-determined value and is sufficient to reduce production of said analyte amplicon in said polynucleotide amplification reaction to less than 44% of the amount that would be produced in an identical polynucleotide amplification reaction that omitted said pseudo target,

wherein said positive result indicates that said analyte polynucleotide is present in said test sample in an amount equal to or greater than said pre-determined value,

wherein a negative result indicates that said analyte polynucleotide is present in said test sample in an amount less than said pre-determined value, and

wherein said positive result and said negative result are determined without reference to the amount of pseudo target amplicon synthesized in the co-amplifying step.

106. **(Previously Presented)** The method of Claim 105, further comprising a step for detecting the pseudo target amplicon produced in the co-amplifying step.

107. **(Canceled)**

108. **(Previously Presented)** The method of Claim 105, wherein said detection system comprises luminometry.

109. **(Previously Presented)** The method of Claim 105, wherein said analyte polynucleotide is a viral polynucleotide.

110. **(Previously Presented)** The method of Claim 109, wherein said viral

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polynucleotide is selected from the group consisting of an HIV-1 polynucleotide, an HIV-2 polynucleotide, an HBV polynucleotide, and an HCV polynucleotide.

111-115. **(Canceled)**

116. **(Previously Presented)** The method of Claim 105, wherein said detection system is selected from the group consisting of a chemiluminescent detection system, a fluorescent detection system, an optical detection system, and an electro-chemical detection system.